



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Masayoshi YAMAGUCHI  
U.S. Appln. No. : 10/804,515  
U.S. Filing Date : March 19, 2004  
Title of Invention : MODEL ANIMAL WITH OVEREXPRESSION OF  
REGUCALCIN  
Examiner : Louis D, Lieto  
Art Unit : 1632

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**DECLARATION UNDER 37 C.F.R. § 1.132**

Sir:

I, MASAYOSHI YAMAGUCHI, DECLARE AND STATE THAT:

1. I am the inventor of the subject matter described and claimed in the present patent application.
2. A reference entitled, "Role of Endogenous Regucalcin in Transgenic Rats: Suppression of Kidney Cortex Cytosolic Protein Phosphatase Activity and Enhancement of Heart Muscle Microsomal  $\text{Ca}^{2+}$ -ATPase Activity" J Cell. Biochem., 86:520-529 (hereinafter "Yamaguchi et al."), names five authors: Masayoshi Yamaguchi, Yoshiko Morooka, Hiroyuki Misawa, Yoshinori Tsurusaki, and Rie Nakajima. As stated above, the inventor of the subject matter described and claimed in the present invention is M. Yamaguchi. Thus, the authors of

Yamaguchi et al. are not "others" as defined by 35 U.S.C. § 102(a) as to the inventive entity of this application, as one of the inventors is a named authors of Yamaguchi *et al.*

3. As is known in the scientific community, persons are or are not included as authors on scientific articles for reasons that do not involve inventorship. Any work reported in Yamaguchi *et al.*, particularly work that may be common to the present application, was performed by or under the direction, supervision or control of the inventors M. Yamaguchi, on the present application. Co-authors Y. Morooka, H. Misawa, Y. Tsurusaki, and R. Nakajima did not make an independent inventive contribution to the invention claimed in this application.

4. Thus, I am advised and therefore believe that since the authors of Yamaguchi et al. are not "others" as to the present inventive entity, this document is not available as a reference against the present patent application. I thus respectfully request that rejections based on this document be reconsidered and withdrawn.

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issued thereon.

Date: January 27, 2006

  
MASAYOSHI YAMAGUCHI